

I am writing to recommend that the commission deny the petition filed by the NAB pursuant to MB04-160 (The rights of SDARS to broadcast traffic and weather content).

Through filing this petition, the NAB must already realize the potential competition posed by SDARS in providing options that have been sought by listeners who have been abandoned by the current monopoly ownership of a wide range of AM and FM broadcasters, who have centralized content that was once produced locally. Because the NAB members have realized that they have failed in their mission to perform a public service as broadcasters or public trustees of the airwaves, they are simply seeking regulatory recourse. I believe that the commission should not provide this recourse, since this will not encourage local broadcasters to provide competitive options, but simply maintain current policies that have resulted in the homogenization of AM/FM radio as a whole.

Current AM/FM broadcasting simply does not provide the choices provided by SDARS, which is why subscribership to services such as XM and Sirius Satellite Radio continues to rise in response to the lack of broadcast choices found. In order to conserve costs and maximize profits, companies such as Clear Channel, Cox, Cumulus and Viacom have consolidated programming that was once a local resource and replaced it with regional or national programming that does not adequately serve the local listening public in these markets. A traveler who moves from one radio market to another will find both surprisingly similar, simply because it fits the broadcaster's profit motives, and fails to adequately serve the public interest.

Further, if local broadcasters were doing even an adequate job of serving their local constituencies by producing superior content aimed at their local market, they would most likely not feel threatened by SDARS and perhaps even welcome the challenge to compete head-to-head with companies who do not necessarily have any local advantage. If the NAB members shared the same genuine concern about serving the public interest, they would demonstrate those advantages over companies that have no local presence. Clearly, the NAB must have realized that their members have failed in that purpose.

By offering these services in perhaps a superior fashion to broadcasters in a local footprint area, it seems fair that the SDARS have met their FCC requirement and that the NAB members should demonstrate more attention to detail in this regard.

It is troubling that instead of expanding choices, by-and-large the NAB has sought to limit those choices repeatedly, and the most glaring example is in the lack of quality and choices offered overall in their programming. Instead of limiting what the SDARS can or should provide as content, a more appropriate response would be to deny the NAB's petition and instead mandate that the NAB invest in ways in which they can better serve the public in a competitive marketplace by not limiting choices.

I am formally requesting that the Commission deny the NAB petition, and instead allow the SDARS to remain competitive and serve the public in a way in which the NAB has evidently failed. It would be troubling to see the choices available to the American public be either censored or limited in this regard by penalizing the SDARS for acting in the public interest.

I thank you for the consideration of these views.